

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 600
SENATE BILL 83

1 AN ACT TO MAKE IT CLEAR THAT PHYSICIANS AND SURGEONS ARE
2 AUTHORIZED TO PERFORM CERTAIN OPERATIONS UPON THE
3 REPRODUCTIVE ORGANS OF CERTAIN PERSONS WHEN REQUESTED TO DO
4 SO; TO PRESCRIBE THE CONSENT WHICH SHALL BE REQUIRED TO BE GIVEN
5 FOR THE PERFORMANCE OF SUCH OPERATIONS, THE TIME WITHIN WHICH
6 THE SAME MAY BE PERFORMED, AND THE CONDITIONS WHICH SHALL BE
7 COMPLIED WITH; AND TO PROVIDE FOR EXEMPTION FROM LIABILITY FOR
8 THE NONNEGLIGENT PERFORMANCE OF SUCH OPERATIONS.

9
10 The General Assembly of North Carolina do enact:

11
12 **Section 1.** That there be added to Chapter 90 of the General Statutes a new Article
13 to be numbered Article 19 and to read as follows:

14 "Article 19

15 Sterilization Operations

16 **§ 90-271. Operations Lawful.** It shall be lawful for any physician or surgeon licensed by this
17 State and acting in collaboration or consultation with at least one or more physicians or
18 surgeons so licensed, when so requested by any person twenty-one years of age or over, or less
19 than twenty-one years of age if legally married, to perform, in a hospital licensed by the
20 Medical Care Commission, upon such person a surgical interruption of vas deferens or
21 Fallopian tubes, as the case may be, provided a request in writing is made by such person at
22 least thirty (30) days prior to the performance of such surgical operation, and provided, further,
23 that prior to or at the time of such request a full and reasonable medical explanation is given by
24 such physician or surgeon to such person as to the meaning and consequences of such
25 operation, and provided, further, that a request in writing is also made at least thirty (30) days
26 prior to the performance of the operation by the spouse of such person, if there be one, unless
27 the spouse has been declared mentally incompetent, or unless a separation agreement has been
28 entered into between the spouse and the person to be operated upon, or unless the spouse and
29 the person to be operated upon have been divorced from bed and board or have been divorced
30 absolutely.

31 **§ 90-272. Sexual Operations on Minors.** Any such physician or surgeon may perform a
32 surgical interruption of vas deferens or Fallopian tubes upon any unmarried person under the
33 age of twenty-one years when so requested in writing by such minor and in accordance with the
34 conditions and requirements set forth in G.S. 90-271, provided that the juvenile court of the
35 county wherein such minor resides, upon petition of the parent or parents, if they be living, or
36 the guardian or next friend of such minor, shall determine that the operation is in the best
37 interest of such minor and shall enter an order authorizing the physician or surgeon to perform
38 such operation.

39 **§ 90-273. Thirty-Day Waiting Period.** No operation shall be performed pursuant to the
40 provisions of this Article prior to thirty (30) days from the date of consent or request therefor,
41 or in the case of an infant, from the date of the order of the court authorizing the same, and in
42 neither event if the consent for such operation is withdrawn prior to its commencement.

43 **§ 90-274. No Liability for Nonnegligent Performance of Operation.**

1 Subject to the rules of law applicable generally to negligence, no physician or surgeon
2 licensed by this State shall be liable either civilly or criminally by reason of having performed a
3 surgical interruption of vas deferens or Fallopian tubes authorized by the provisions of this
4 Article upon any person in this State.

5 **§ 90-275. Article Does not Affect Eugenical or Therapeutical Sterilization Laws.** Nothing
6 in this Article shall be deemed to affect the provisions of Article 7 of Chapter 35 of the General
7 Statutes of North Carolina."

8 **Sec. 2.** All laws and clauses of laws in conflict herewith are hereby repealed.

9 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

10 In the General Assembly read three times and ratified, this the 29th day of May,

11 1963.